

REMARKS

It is respectfully requested that this application be reconsidered in view of the above amendments and the following remarks and that all of the claims remaining be allowed.

Claims Amendments:

Claims 2-3, 31-35, 37, 39 and 47 have been canceled without prejudice or disclaimer. Applicant reserves the right to pursue prosecution of the subject matters of the canceled claims in this or future continuation and/or divisional application(s).

Claim 36 has been rewritten as an independent claim by incorporating all the elements from claim 35.

Claims 36 and 38 have been amended to recite "nucleic acid" instead of "DNA", for which support can be found, for example, at page 1, line 2.

Claim 48 has been amended to recite "comprising the DNA construct of claim 38", for which support can be found, for example, at page 17, lines 12-15.

New claims 49-52 have been added, which are drawn to subgenus/species of claim 36.

Accordingly, no new matter has been added by these amendments. The Examiner is hereby requested to enter these amendments.

Applicant wishes to point out that the amendments presented herein are made merely in the interest of expediting prosecution and not to distinguish over any prior art. Thus, Applicant submits that none of the claims now presented or previously presented are obvious over the prior art.

Claim 36

The Office Action states that claim 36, if written in independent format, would be allowable ("Conclusion", page 13 of the Office Action). Accordingly, claim 36 has been rewritten in independent format, and its allowance is respectfully requested.

Applicant further submits that claims 38 and 40 are also allowable. Claim 38 is directed to a DNA construct comprising the DNA of claim 36 in the sense or anti-sense orientation. Claim 40, in turn, is directed to a microorganism transformed with the DNA construct of claim 38. Therefore, claims 38 and 40 are also allowable.

Rejection Under 35 U.S.C. §112, Written Description:

The rejection of claims 2, 31-35, 37, 39 and 47-48 under 35 U.S.C. §112, first paragraph as allegedly containing subject matter which was not adequately described in the specification has been obviated by amendments of these claims.

Claims 2, 31-35, 37, 39 and 47 have been canceled. Claim 48 has been amended to recite a transgenic plant, transgenic seed, transgenic reproduction material, part of a transgenic plant or transformed plant cell, comprising the DNA construct of claim 38. As discussed above, claim 38 is allowable. Therefore, Applicants submit that claim 48 is also allowable.

Accordingly, withdrawal of this rejection is respectfully requested.

Rejection Under 35 U.S.C. §112, Enablement:

The rejection of claims 2-3, 31-34, 37-40 and 47-48 under 35 U.S.C. §112, first paragraph as allegedly not enabled is obviated-in-part and traversed-in-part as set forth below.

Claims 2-3, 31-34, 37, 39 and 47 have been canceled, and therefore the rejection with respect to these claims is now moot. As discussed above, claim 38 is allowable as

drawn to DNA construct comprising the nucleic acid of claim 36 in the sense or anti-sense orientation. Claim 40 is allowable as drawn to a microorganism comprising the DNA construct of claim 38. Similarly, claim 48 has been amended to recite a transgenic plant, transgenic seed, transgenic reproduction material, part of a transgenic plant or transformed plant cell, comprising the DNA construct of claim 38, hence is also allowable.

Accordingly, Applicant respectfully requests that this rejection be withdrawn.

Allowable Subject Matter

Applicant wish to thank the Examiner for pointing out that claims drawn to "an isolated DNA comprising SEQ ID NO:1", "an isolated DNA comprising a DNA sequence encoding the amino acid sequence of SEQ ID NO:2", "an isolated DNA sequence comprising a nucleic acid with 70% identity with SEQ ID NO:1 and encodes a polypeptide having N-acetyl glucosaminyl transferase I activity", or "a nucleic acid which hybridizes under stringent conditions to SEQ ID NO:1 which encodes a polypeptide having N-acetyl glucosaminyl transferase I activity" would be allowable (page 13 of the Office Action). Accordingly, new claims 49-52 have been added which are directed to the above subject matters. Allowance of these new claims is respectfully requested.

As previously discussed, claims 36, 38 and 40 are also allowable.

Applicant respectfully requests that the Examiner call the undersigned at (650) 622-2340 should any of the pending claims is deemed unallowable.



Attachment to Amendment and Reply dated February 18, 2003

Marked-up Copy
Claims 36, 38 and 48

36. (Amended) An isolated nucleic acid [DNA] which encodes a polypeptide having N-acetyl glucosaminyl transferase I activity and which hybridizes under stringent conditions to a DNA [of claim 35] that comprises a sequence, or the complementary thereof, selected from the group consisting of:

SEQ ID NOs:1, 3 and 5;

a DNA sequence encoding the amino acid sequence of SEQ ID Nos: 2, 4 or 6;

a DNA sequence sharing a nucleotide identity of at least 70% with SEQ ID NOs:1, 3 or 5;

a DNA sequence encoding an amino acid sequence which shares an amino acid sequence of at least 75% with SEQ ID NOs:2, 4 or 6;

a DNA sequence which hybridizes under stringent conditions to SEQ ID NOs:1, 3 or 5, or the complementary thereof; and

a DNA sequence which hybridizes under stringent conditions to a DNA sequence, or the complementary thereof, which encodes SEQ ID NOs:2, 4 or 6.

38. (Amended) A DNA construct comprising the nucleic acid [DNA] of claim 36 in the sense or anti-sense orientation.

48. (Twice amended) A transgenic plant, transgenic seed, transgenic reproduction material, part of a transgenic plant or transformed plant cell, comprising the DNA construct of claim 38 [obtainable by

(a) integration of one or more antisense or sense DNA of claim 36 under the control of a promoter effective in plants, into the genome of a plant, or

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- (b) viral infection by means of a virus containing one or more antisense or sense DNA of claim 36, for an extrachromosomal propagation and transcription of the antisense construct(s) in the plant tissue infected].



Creation date: 03-03-2003
Indexing Officer: RCHILDS - ROBERT CHILDS
Team: GAU1634PrtWorkingFolder
Dossier: 09202634

Legal Date: 24-02-2003

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